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RECENT LEGAL LITERATURE

Recent Books on Roman-American Law.

Notes to the Spanish Civil Code, showing changes effected by American legislation, with citations of cases from Philippines Supreme Court. By Charles A. Willard, Associate Justice Supreme Court of the Philippines. Manila, 1904. pp. xi, 106.

Studies in the Civil Law and its relations to the jurisprudence of England and America, with references to the law of our insular possessions. By William Wirt Howe, LL.D., of the Bar of New Orleans. Second edition. Boston: Little, Brown and Company, 1905. pp. xiii, 391.

The Notes to the Spanish Civil Code owe their existence to the fact that while the Spanish Code of Civil Procedure has been supplanted in the Philippines by an American Code of Civil Procedure, the revision of the Spanish Civil Code, projected by the Civil Commission soon after the American occupation of the Islands, has not yet been completed. Judge Willard discusses articles of the latter code which may have been repealed by implications in the new Code of Civil Procedure. One would think that the book would be indispensable to every member of the Philippine Bar until the work of codification of the Spanish civil law is completed. Judge Willard has done his work carefully with full reference to the legislation since the American occupation and the decisions of the courts in interpretation thereof, where such decisions exist. In the absence of authoritative judicial interpretation the author, a member of the Supreme Court, gives his own logical interpretation.

It is of interest to those who may be noting the general trend in the development of law to observe that the changes to be made in the projected revision of the Civil Code are likely to be mainly in the field of law affected by emotional relations, as appears, for example, in the complete change in marriage law, shown in the commentary on Arts. 42-107 of the Spanish Civil Code, thus giving further verification, if such were necessary, of Bryce's dictum on this feature in the growth of law. Cf. Bryce, Studies in History and Jurisprudence, p. 123; also this Review for January, 1905, p. 189. Dr. Howe, who has so long occupied the vantage ground for accurate and scholarly observation of Roman-American law held by a well trained member of the Bar and Court of Louisiana, gives us in this second edition of his Studies in the Civil Law a book that should be in the hands of every student of law or lawyer who wishes to see from a practical standpoint the relation of our own law to that of our island possessions and to that of the State of Louisiana, incidentally also to the law of the States carved out of the Louisiana Purchase or out of our acquisitions from Mexico. The second edition is a very material enlargement and improvement of the first edition, published in 1896. Seven new chapters have been added, six of them on the science of law in general and of the history of Roman classic law as

adopted by European countries and their dependencies, and one on the Matrimonial Community, that distinctive and interesting feature of the Spanish system and its derivatives.

In a paper read before the American Social Science Association shortly after the acquisition of our island possessions (see Proceedings A. S. S. A., May, 1900) Judge Howe advocated the course in regard to changes in the law of our new territory which has since been followed almost to the letter by the American authorities in Porto Rico, namely, that the amalgamation of the two systems should be conducted along the same lines already found so satisfactory by the Louisiana jurists in their treatment of a situation almost identical with that confronting us in Porto Rico and the Philippines. This second edition of the Studies in Civil Law has been enlarged and rewritten with the evident design of furnishing to the American student of our enlarged and composite Spanish-American system an institutional treatise suited to his purpose and it accomplishes the end very satisfactorily. It is to be regretted that Judge Howe has omitted the bibliography given in the first edition, for it is with this question of sources of information that the American lawyer in attempting to deal with questions of Roman-American law finds his greatest difficulty. It is to be hoped that this defect may be remedied in some subsequent edition by furnishing a tolerably full list of French and Spanish legal bibliography, with some account of the libraries containing collections of them accessible, without too much trouble, to the American lawyer and student.

JOSEPH H. DRAKE.

THE LAW OF INSTERSTATE COMMERCE AND ITS FEDERAL REGULATION. By Frederick N. Judson of the St. Louis Bar. Chicago: T. H. Flood & Co., 1905. pp. xix, 509.

This is a book born in due time. Questions growing out of the subject with which it deals were never more important than now and are almost certain to have added importance in the near future. While it is quite possible, if not probable, that the law of this subject will be materially modified at no distant day, still the book will certainly be very useful for having gathered in a single volume the law on this very important subject. It would be difficult to suggest one more important to the commercial and industrial welfare of our country.

The author has given the legal history of the constitutional provision granting power to the United States, through Congress, to regulate commerce between the States, as disclosed in legislation under it, in the decisions of the courts and of the Interstate Commerce Commission. The book is divided into two parts. "Part I" contains the general discussion of the principles involved and "Part II" contains the Interstate Commerce Act and its amendments; the Anti-Trust Act of 1890; the Expedition Act of 1903; the Act establishing the Department of Commerce and Labor of 1903; the Safety Act of 1893 and its amendments; the Accident Statute of 1901; the Trade Union Incorporation Act of 1886; the National Arbitration Act of 1898 and the Rules of Practice established by the Commission, with forms for